



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,476	07/18/2003	George Blaisdell	12927.15US01	4568
23552	7590	07/13/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			VASUDEVA, AJAY	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/623,476		BLAISDELL ET AL.	
	Examiner		Art Unit	
	Ajay Vasudeva		3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9,11,12,14-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-4,6-9,11,12,14,15,20-29,31 and 34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 16-18 and 32 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of claims 16-19, 32 and 33 (Group IV) in the reply filed on 4/27/2005 is acknowledged. Because applicant did not distinctly and specifically point out any errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-4, 6-9, 11, 12, 14, 15, 20-29, 31 and 34 (Groups I, II and III) are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant is requested to include cancellation of nonelected claims or other appropriate action in the following communication with the Office (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-18 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-027270 A ('270).

JP ('270) shows a privacy enclosure [7] (figures 1 and 2), wherein the limitation "enclosure" is broadly interpreted to mean a substantially enveloped -- or confined – space, but not necessarily a space that is surrounded on all sides

Art Unit: 3617

The vertical walls of a base [15] and a rigid outer wall structure [12] together provide an envelope to define an interior of a stowable enclosure when the rigid outer wall structure is in an expanded – or a vertical – configuration, as seen in figure 1. It is noted that the stowable enclosure constitutes only a portion of the privacy enclosure when the rigid outer wall structure is in an expanded configuration. Re the limitation “**stowable enclosure coupled to the lower base**”, because the stowable space is confined – or enveloped – by the horizontal floor portion of the base [15], such is considered to be coupled to the lower base.

A storage compartment [13] is located adjacent the privacy enclosure (figure 5). A toilet [16] is moveable between the storage compartment and the privacy enclosure, the toilet being slideable in a vertical direction.

Allowable Subject Matter

4. Claim 33 is allowed.
5. Claims 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 12/16/2004 have been fully considered but they are not persuasive.

Applicant's Argument: Re the rejection of claims 16-18 based on JP 2000-027270 A ('270), applicant has argued that JP ('270) does not disclose a stowable enclosure coupled to a base. Rather, it discloses a cover connected to a moveable board 15. The cover 12 merely defines a single sidewall when positioned in an expanded position. The cover 12 does not

Art Unit: 3617

define an "enclosure,". Instead, the enclosure of JP ('270) is provided by what appears to be curtains (65) hanging from a ceiling (4), which are neither rigid nor coupled to a lower base.

Examiner's Answer: The argument that the rigid outer wall 12 of JP ('270) is a single wall and therefore does not define an "enclosure," -- which instead is provided by what appears to be curtains (65) -- is erroneous in its assumptions.

Applicant may first note that the limitation "enclosure" has been broadly interpreted to mean a space that is substantially enveloped or confined, but not necessarily surrounded on all sides. JP ('270) shows a base [15] having vertical walls [41, 42] (see figure 6) and a rigid outer wall structure [12] (see figure 1). The vertical walls of the base [15], together with the rigid outer wall structure [12], provide an envelope to define an interior of an enclosure when the rigid outer wall structure is in an expanded configuration of figure 1. Nowhere does the rejection states the enclosure being formed by the curtains. Further, regarding the limitation "stowable enclosure coupled to the lower base", because the stowable space is confined – or enveloped – by the horizontal floor portion [40] of the base [15], such is considered as being coupled to the lower base (figure 6).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- JP 64-029240 shows a collapsible privacy enclosure with a toilet storage region located above the drainage basin [8], and anticipates at least claim 32.
- Other prior art references cited in the attached PTO Form 892 each shows a privacy enclosure.

Art Unit: 3617

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AV

Ajay Vasudeva
Examiner
Art Unit 3617



S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600